

DOCKET NO. : UPAP-0345

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David B. Weiner,
Williams, and Bin Wang

Serial No.:

Group Art Unit:

Filing Date: Herewith

Examiner:

For: **COMPOSITIONS AND METHODS FOR DELIVERY OF GENETIC
MATERIAL**

EXPRESS MAIL LABEL NO: EL219292337US
DATE OF DEPOSIT: July 23, 1999

Box ☒ Patent Application
☐ Provisional ☐ Design

Assistant Commissioner for Patents
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

☒ A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☒ continuation of S.N. 08/979,385, filed November 26, 1997 which is a file wrapper continuation of S.N. 08/495,684, filed September 28, 1995 which is the national phase of PCT/US94/00899. PCT/US94/00899 is a continuation-in-part application of 08/008,342 filed 1/26/93; 08/029,336 filed 3/11/93; 08/125,012 filed 9/21/93; 08/093,235 filed 7/15/93 and 08/124,962 filed 9/21/93.

☐ A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐ A Design Patent Application (submitted in duplicate).

Including the following:

☐ Provisional Application Cover Sheet.

07/23/99
10682 U.S. PRO

08/008,342

A
2k
1.8.3
9/25/99

- ☐ New or Revised Specification, including pages ___ to ___ containing:
- ☐ Specification
 - ☐ Claims
 - ☐ Abstract
 - ☐ Substitute Specification, including Claims and Abstract.
- ☐ The present application is a continuation application of Application No. _____ filed _____. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Since none of those amendments incorporate new matter into the parent application, the present revised Specification also does not include new matter.
- ☐ The present application is a continuation application of Application No. _____ filed _____, which in turn is a continuation-in-part of Application No. _____ filed _____. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Although the amendments in the parent C-I-P application may have incorporated new matter, since those are the only revisions included in the present application, the present application includes no new matter in relation to the parent application.
- ☒ A published copy of earlier application Serial No. 08/495,684 Filed August 28, 1995, including Specification, Claims and Abstract, to which no new matter has been added TOGETHER WITH a copy of the executed oath or declaration for such earlier application and all drawings and appendices. Such earlier application is hereby incorporated into the present application by reference.
- ☒ Please enter the following amendment to the Specification under the Cross-Reference to Related Applications section (or create such a section): "This Application is a continuation of S.N. 08/979,385, filed November 26, 1997, allowed, which is a file wrapper continuation of S.N. 08/495,684, filed September 28, 1995, abandoned, which is the national phase of PCT/US94/00899. PCT/US94/00899 is a continuation-in-part application of 08/008,342 filed January 26, 1993, abandoned; 08/029,336 filed March 11, 1993, abandoned; 08/125,012 filed September 21, 1993, which issued as U.S. Patent Number 5,593,972; 08/093,235 filed July 15, 1993, abandoned and 08/124,962 filed September 21, 1993, abandoned.
- ☒ Ten Sheets of ☒ Formal ☐ Informal Drawings.
- ☐ Petition to Accept Photographic Drawings.
- ☐ Petition Fee

- ☐ An ☐ Executed ☐ Unexecuted Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney.
- ☐ An ☐ Executed ☐ Copy of Executed Assignment of the Invention to _____
- _____
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☒ The prior application is assigned of record to The Trustees of the University of Pennsylvania.
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. _____ filed _____ in _____ (country).
- ☐ A Certified Copy of each of the above applications for which priority is claimed:
- ☐ is enclosed.
- ☐ has been filed in prior application Serial No. _____ filed _____.
- ☐ An ☐ Executed or ☐ Copy of Executed Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27
- ☐ is enclosed.
- ☐ has been filed in prior application Serial No. _____ filed _____, said status is still proper and desired in present case.
- ☐ Diskette Containing DNA/Amino Acid Sequence Information.
- ☐ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☒ The computer readable form in this application is identical with that filed in Application Serial Number 08/979,385, filed November 26, 1997. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☒ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing was included in application Serial Number 08/979,385, filed November 26, 1997.

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- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: _____
- ☒ Return Receipt Postcard (should be specifically itemized).
- ☐ Other as follows: _____

FEE CALCULATION:

- ☒ Cancel in this application original claims 25-57 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

				SMALL ENTITY		NOT SMALL ENTITY					
				RATE	FEE	RATE	FEE				
PROVISIONAL APPLICATION				\$75.00	\$	\$150.00	\$				
DESIGN APPLICATION				\$155.00	\$	\$310.00	\$				
UTILITY APPLICATIONS BASE FEE				\$380.00	\$	\$760.00	\$760.00				
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS											
		No. Filed	No. Extra								
TOTAL CLAIMS	24- 20 =	4						\$9 each	\$	\$18 each	\$72.00
INDEP. CLAIMS	2- 3 =	0						\$39 each	\$	\$78 each	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				\$130	\$	\$260	\$0.00				
ADDITIONAL FILING FEE					\$		\$				
TOTAL FILING FEE DUE					\$		\$832.00				


- ☒ A Check is enclosed in the amount of \$832.00.

- ☒ A Preliminary Amendment with attached Petition and Fee Deleting Correctly Named Original Person(s) Who Are Not Inventor(s) of Invention Now Being Claimed (37 CFR 1.48(b)) is attached hereto. The Petition Fee is \$130.00. Upon entry of the Preliminary Amendment, claims 1-24 will be canceled and claims 58-121 will be added. Therefore, a check totaling \$850.00 is attached hereto as payment for forty (40) additional claims (\$720.00) and the petition fee (\$130.00).
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).
- ☐ The issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

July 23 1999


Mark DeLuca
Registration No. 33,229

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David B. Weiner,
William V. Williams, Bin Wang, Leslie R.
Coney, Michael J. Merva and Vincent R.
Zurawski, Jr.

Serial No.:**Group Art Unit:****Filing Date:** Herewith**Examiner:**

**For: COMPOSITIONS AND METHODS FOR DELIVERY OF GENETIC
MATERIAL**

Assistant Commissioner for Patents
Washington DC 20231

**PETITION AND FEE DELETING CORRECTLY NAMED ORIGINAL PERSON(S)
WHO ARE NOT INVENTOR(S) OF INVENTION NOW BEING CLAIMED (37 CFR
1.48(b))**

1. This petition under 37 CFR 1.48(b) is to delete the name(s) of the following person(s) originally named as inventor(s) and who is (are) not the inventor(s) of the invention now being claimed:

Leslie R. Coney, Michael J. Merva and Vincent R. Zurawski, Jr.

2. Claims

The claims in this application were claims 1-24. By way of the Preliminary Amendment attached hereto, claims 1-24 were canceled and claims 58-121 were added.

3. Status of Inventorship After Amendment

Applicants' filing of the preliminary amendment with the instant application herewith includes the deletion of claims which embraced the subject matter of the invention by Leslie R. Coney, Michael J. Merva and Vincent R. Zurawski, Jr. Due to the deletion of the claims, the inventions of co-inventors Leslie R. Coney, Michael J. Merva and Vincent R. Zurawski, Jr. are no longer being claimed.

The preliminary amendment filed with the application herewith deletes the claims which define the inventions of co-inventors Leslie R. Coney, Michael J. Merva and Vincent R. Zurawski, Jr. and hereby deletes them as co-inventors.

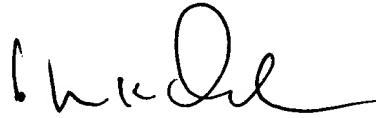
08/13/1999 16:00:00 00000001 233060 09359975
03 FC:122 65.00 00

4. Fee (37 CFR 1.17(h))

The fee required is paid as follows:

- ☒ Enclosed please find a check in the amount of \$850.00 representing entry of the Preliminary Amendment's additional claims (\$720.00) and the petition fee (\$130.00).
- ☐ Please charge Deposit Account No. 23-3050 the sum of \$130.00. A duplicate of this petition is enclosed.
- ☒ Please charge Deposit Account No. 23-3050 for any fee deficiency or credit this account for any overpayment for this petition.

Date: July 23 1999



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Registration No. 33,229

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